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6 UNITED STATES DISTRICT COURT
7 WESTERN DISTRICT OF WASHINGTON
8 AT SEATTLE

8 ROBERT MELTON, JR. and LORI MELTON,
9 husband and wife and the marital community
10 composed thereof,

11 Plaintiffs,

12 v.

13 CITY OF BURLINGTON, a Washington State
14 municipal corporation, SKAGIT 911
15 EMERGENCY COMMUNICATIONS, a
16 Washington State municipal corporation, ERIC
17 YOUNGQUIST, and STACY WILSON,

18 Defendants.

CASE NO. C09-0233-JCC

ORDER

19 This matter comes before the Court on Defendant City of Burlington's Response to the Court's
20 March 5, 2009, Minute Order. (Dkt. No. 7.) Plaintiff's initial complaint, filed in the Skagit County
21 Superior Court, was not removable because it contained only state law causes of action and the parties
22 were not diverse for purposes of federal subject matter jurisdiction. The Skagit County Superior Court
23 granted Plaintiff leave to amend the initial complaint to add a federal claim under 42 U.S.C. § 1983.
24 Defendant then removed the case, contending that the district court had subject matter jurisdiction based
25 on the presence of the federal claim. It was not clear to the Court that the Second Amended Complaint
26 had actually been filed in state court, however. The Court therefore ordered Defendant to show cause
why the case should not be remanded to state court for lack of subject matter jurisdiction.

1 Defendant has now shown that Plaintiff's Second Amended Complaint, containing the federal
2 claim, has in fact been filed in state court and served upon Defendant. (Dkt. No. 8.) Thus, the case will
3 not be remanded for lack of jurisdiction.

4 DATED this 23rd day of March, 2009.

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9 John C. Coughenour
10 UNITED STATES DISTRICT JUDGE
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